



Sen. Andy Manar

**Filed: 4/15/2015**

09900SB0418sam001

LRB099 03250 KTG 34087 a

1 AMENDMENT TO SENATE BILL 418

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 418 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Energy Assistance Act is amended by  
5 changing Section 13 as follows:

6 (305 ILCS 20/13)

7 (Section scheduled to be repealed on December 31, 2018)

8 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

9 (a) The Supplemental Low-Income Energy Assistance Fund is  
10 hereby created as a special fund in the State Treasury. The  
11 Supplemental Low-Income Energy Assistance Fund is authorized  
12 to receive moneys from voluntary donations from individuals,  
13 foundations, corporations, and other sources, moneys received  
14 pursuant to Section 17, and, by statutory deposit, the moneys  
15 collected pursuant to this Section. The Fund is also authorized  
16 to receive voluntary donations from individuals, foundations,

1 corporations, and other sources, as well as contributions made  
2 in accordance with Section 507MM of the Illinois Income Tax  
3 Act. Subject to appropriation, the Department shall use moneys  
4 from the Supplemental Low-Income Energy Assistance Fund for  
5 payments to electric or gas public utilities, municipal  
6 electric or gas utilities, and electric cooperatives on behalf  
7 of their customers who are participants in the program  
8 authorized by Sections 4 and 18 of this Act, for the provision  
9 of weatherization services and for administration of the  
10 Supplemental Low-Income Energy Assistance Fund. The yearly  
11 expenditures for weatherization may not exceed 10% of the  
12 amount collected during the year pursuant to this Section,  
13 except that amounts in excess of 10% collected in a given year  
14 may be expended from the Fund if they represent funds from  
15 previous years or if they represent amounts deposited into the  
16 Fund from the Energy Efficiency Portfolio Program. The yearly  
17 administrative expenses of the Supplemental Low-Income Energy  
18 Assistance Fund may not exceed 10% of the amount collected  
19 during that year pursuant to this Section, except when unspent  
20 funds from the Supplemental Low-Income Energy Assistance Fund  
21 are reallocated from a previous year; up to 10% of those  
22 reallocated funds may be spent in the year they are  
23 reallocated.

24 (b) Notwithstanding the provisions of Section 16-111 of the  
25 Public Utilities Act but subject to subsection (k) of this  
26 Section, each public utility, electric cooperative, as defined

1 in Section 3.4 of the Electric Supplier Act, and municipal  
2 utility, as referenced in Section 3-105 of the Public Utilities  
3 Act, that is engaged in the delivery of electricity or the  
4 distribution of natural gas within the State of Illinois shall,  
5 effective January 1, 1998, assess each of its customer accounts  
6 a monthly Energy Assistance Charge for the Supplemental  
7 Low-Income Energy Assistance Fund. The delivering public  
8 utility, municipal electric or gas utility, or electric or gas  
9 cooperative for a self-assessing purchaser remains subject to  
10 the collection of the fee imposed by this Section. The monthly  
11 charge shall be as follows:

12 (1) \$0.48 per month on each account for residential  
13 electric service;

14 (2) \$0.48 per month on each account for residential gas  
15 service;

16 (3) \$4.80 per month on each account for non-residential  
17 electric service which had less than 10 megawatts of peak  
18 demand during the previous calendar year;

19 (4) \$4.80 per month on each account for non-residential  
20 gas service which had distributed to it less than 4,000,000  
21 therms of gas during the previous calendar year;

22 (5) \$360 per month on each account for non-residential  
23 electric service which had 10 megawatts or greater of peak  
24 demand during the previous calendar year; and

25 (6) \$360 per month on each account for non-residential  
26 gas service which had 4,000,000 or more therms of gas

1 distributed to it during the previous calendar year.

2 The incremental change to such charges imposed by this  
3 amendatory Act of the 96th General Assembly shall not (i) be  
4 used for any purpose other than to directly assist customers  
5 and (ii) be applicable to utilities serving less than 100,000  
6 customers in Illinois on January 1, 2009.

7 In addition, electric and gas utilities have committed, and  
8 shall contribute, a one-time payment of \$22 million to the  
9 Fund, within 10 days after the effective date of the tariffs  
10 established pursuant to Sections 16-111.8 and 19-145 of the  
11 Public Utilities Act to be used for the Department's cost of  
12 implementing the programs described in Section 18 of this  
13 amendatory Act of the 96th General Assembly, the Arrearage  
14 Reduction Program described in Section 18, and the programs  
15 described in Section 8-105 of the Public Utilities Act. If a  
16 utility elects not to file a rider within 90 days after the  
17 effective date of this amendatory Act of the 96th General  
18 Assembly, then the contribution from such utility shall be made  
19 no later than February 1, 2010.

20 (c) For purposes of this Section:

21 (1) "residential electric service" means electric  
22 utility service for household purposes delivered to a  
23 dwelling of 2 or fewer units which is billed under a  
24 residential rate, or electric utility service for  
25 household purposes delivered to a dwelling unit or units  
26 which is billed under a residential rate and is registered

1 by a separate meter for each dwelling unit;

2 (2) "residential gas service" means gas utility  
3 service for household purposes distributed to a dwelling of  
4 2 or fewer units which is billed under a residential rate,  
5 or gas utility service for household purposes distributed  
6 to a dwelling unit or units which is billed under a  
7 residential rate and is registered by a separate meter for  
8 each dwelling unit;

9 (3) "non-residential electric service" means electric  
10 utility service which is not residential electric service;  
11 and

12 (4) "non-residential gas service" means gas utility  
13 service which is not residential gas service.

14 (d) Within 30 days after the effective date of this  
15 amendatory Act of the 96th General Assembly, each public  
16 utility engaged in the delivery of electricity or the  
17 distribution of natural gas shall file with the Illinois  
18 Commerce Commission tariffs incorporating the Energy  
19 Assistance Charge in other charges stated in such tariffs,  
20 which shall become effective no later than the beginning of the  
21 first billing cycle following such filing.

22 (e) The Energy Assistance Charge assessed by electric and  
23 gas public utilities shall be considered a charge for public  
24 utility service.

25 (f) By the 20th day of the month following the month in  
26 which the charges imposed by the Section were collected, each

1 public utility, municipal utility, and electric cooperative  
2 shall remit to the Department of Revenue all moneys received as  
3 payment of the Energy Assistance Charge on a return prescribed  
4 and furnished by the Department of Revenue showing such  
5 information as the Department of Revenue may reasonably  
6 require; provided, however, that a utility offering an  
7 Arrearage Reduction Program pursuant to Section 18 of this Act  
8 shall be entitled to net those amounts necessary to fund and  
9 recover the costs of such Program as authorized by that Section  
10 that is no more than the incremental change in such Energy  
11 Assistance Charge authorized by this amendatory Act of the 96th  
12 General Assembly. If a customer makes a partial payment, a  
13 public utility, municipal utility, or electric cooperative may  
14 elect either: (i) to apply such partial payments first to  
15 amounts owed to the utility or cooperative for its services and  
16 then to payment for the Energy Assistance Charge or (ii) to  
17 apply such partial payments on a pro-rata basis between amounts  
18 owed to the utility or cooperative for its services and to  
19 payment for the Energy Assistance Charge.

20 (g) The Department of Revenue shall deposit into the  
21 Supplemental Low-Income Energy Assistance Fund all moneys  
22 remitted to it in accordance with subsection (f) of this  
23 Section; provided, however, that the amounts remitted by each  
24 utility shall be used to provide assistance to that utility's  
25 customers. The utilities shall coordinate with the Department  
26 to establish an equitable and practical methodology for

1 implementing this subsection (g) beginning with the 2010  
2 program year.

3 (h) On or before December 31, 2002, the Department shall  
4 prepare a report for the General Assembly on the expenditure of  
5 funds appropriated from the Low-Income Energy Assistance Block  
6 Grant Fund for the program authorized under Section 4 of this  
7 Act.

8 (i) The Department of Revenue may establish such rules as  
9 it deems necessary to implement this Section.

10 (j) The Department of Commerce and Economic Opportunity may  
11 establish such rules as it deems necessary to implement this  
12 Section.

13 (k) The charges imposed by this Section shall only apply to  
14 customers of municipal electric or gas utilities and electric  
15 or gas cooperatives if the municipal electric or gas utility or  
16 electric or gas cooperative makes an affirmative decision to  
17 impose the charge. If a municipal electric or gas utility or an  
18 electric cooperative makes an affirmative decision to impose  
19 the charge provided by this Section, the municipal electric or  
20 gas utility or electric cooperative shall inform the Department  
21 of Revenue in writing of such decision when it begins to impose  
22 the charge. If a municipal electric or gas utility or electric  
23 or gas cooperative does not assess this charge, the Department  
24 may not use funds from the Supplemental Low-Income Energy  
25 Assistance Fund to provide benefits to its customers under the  
26 program authorized by Section 4 of this Act.

1           In its use of federal funds under this Act, the Department  
2 may not cause a disproportionate share of those federal funds  
3 to benefit customers of systems which do not assess the charge  
4 provided by this Section.

5           This Section is repealed effective December 31, 2018 unless  
6 renewed by action of the General Assembly. The General Assembly  
7 shall consider the results of the evaluations described in  
8 Section 8 in its deliberations.

9           (Source: P.A. 98-429, eff. 8-16-13.)"